

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MAEGEN HENRIQUEZ-FORD,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

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WELIKSON DECLARATION

12-CV-6927 (GBD)

BENJAMIN WELIKSON declares, pursuant to 28, U.S.C. § 1746, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the offices of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for New York City Department of Education (“DOE”) in the above referenced action.

2. I make this declaration in opposition to plaintiff Maegen Henriquez-Ford’s motion pursuant to Rule 41 of the Federal Rules of Civil Procedure.

3. Attached hereto as Exhibit 1 is copy the Complaint filed in this action captioned, *Maegen Henriquez-Ford v. New York City Department of Education*, Docket No. 12-CV-6927.

4. Attached hereto as Exhibit 2 is a copy of the Answer the DOE filed in this action. The DOE’s Answer asserts three counterclaims against plaintiff. Plaintiff has neither served nor filed a responsive pleading to the DOE’s counterclaims.

5. Attached hereto as Exhibit 3 is a copy of the DOE’s Offer of Judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure, dated December 4, 2012 (“December 4, 2012 Rule 68 Offer of Judgment”). The DOE served the December 4, 2012 Rule

68 Offer of Judgment upon plaintiff on December 4, 2012. Plaintiff did not respond to the DOE's December 4, 2012 Rule 68 Offer of Judgment.

6. Attached hereto as Exhibit 4 is a copy of letter to the Court from Assistant Corporation Counsel Benjamin Welikson, dated January 9, 2013.

7. Attached hereto as Exhibit 5 is the transcript of a pretrial status conference in this action, held on February 7, 2013.

8. Attached hereto as Exhibit 6 is a copy of letter to plaintiff's counsel from Assistant Corporation Counsel Benjamin Welikson, dated February 8, 2013, enclosing the DOE's time records for plaintiff Maegen Henriquez-Ford. These documents were transmitted electrically to plaintiff's counsel on February 8, 2103.

9. Attached hereto as Exhibit 7 is the affidavit of plaintiff Maegen Henriquez-Ford, sworn to February 14, 2013.

10. Attached hereto as Exhibit 8 is the transcript of a pretrial status conference in this action, held on March 12, 2013.

11. Attached hereto as Exhibit 9 is a copy of the DOE's Offer of Judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure, dated March 15, 2013 ("March 15, 2013 Rule 68 Offer of Judgment"). The DOE served the March 15, 2013 Rule 68 Offer of Judgment upon plaintiff on March 15, 2013. Plaintiff did not respond to the DOE's March 15, 2013 Rule 68 Offer of Judgment.

12. Attached hereto as Exhibit 10 is copy the DOE's Notice of Voluntary

Dismissal of the counterclaims it asserted against plaintiff in this action, dated April 29, 2013.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: June 3, 2013

New York, New York

/s

BENJAMIN WELIKSON
Assistant Corporation Counsel